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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 3151 /2003

PETITIONER : Subhash Kar, aged 47 Years, S/o Late Krantikeshwar, Gram Sahayak (Secretary) Janpad Panchayat Saraipali, Tahsil Saraipali, District Mahasamund (C.G.)

P. R. No. 3033/03 Presented by Shri C.R. Sahu dated 30.09.03

VERSUS

RESPONDENTS :1. The State of Chhattisgarh Through Secretary Department of Rural & Panchayat,D.K.S. Bhawan Raipur (C.G.)

30-9-

2. Deputy Director, Panchayat & Social Welfare Deptt. Mahasamund (C.G.)

3. Chief Executive Officer Janpad Panchayat, Saraipali Distt. Mahasamund (C.G.)

30/9/03

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

1. **PARTICULARS OF THE PETITIONER**

As stated above in the cause title.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

आदेश पत्रक

मामला क्रमांक W.P.No3151/ सन् 2003

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

03.11.2003

Shri L.C. Das, counsel for the petitioner.

Miss Sharmila Singhai, Deputy Govt. Advocate for the State/ respondents.

Heard both the counsel.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged the order dated 19.09.2003 by which the petitioner has been transferred to Janpad Panchayat, Batouli, Distt. Surguja.

The petitioner is working as Gram Sahayak. The petitioner's case is that the petitioner was posted in Raipur District up to December, 1998. In the month of December, 1998, the petitioner was transferred to Tribal Development Area, North Bastar, Kanker. On 23rd June, 2003, the petitioner was transferred to Janpad Panchayat, Saraipali, where he is still working and has not been relieved, but by the impugned order within a period of three months, the petitioner has again been transferred from Saraipali to Janpad Panchayat, Batouli, Distt. Surguja.

The learned counsel for the petitioner submits that the present place of posting is 400 Kms. away from his home town (Saraipali). The petitioner is a low paid employee and the transfer is arbitrary. Since the petitioner has been transferred within a period of three months, therefore, the learned counsel submits that the respondents may be

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P No.3151 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

directed to consider the representation of the petitioner looking to the difficulties of the petitioner being a low paid employee. The learned counsel for the petitioner further submits that a representation has already been submitted by the petitioner to respondent No.1 on 26.09.2003.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a representation again to respondent No.1 within ten days from today raising all his grievances and in turn, respondent No.1 shall decide the representation within thirty days from the date of receipt of the representation, in an objective manner with a reasoned order considering all the grievances of the petitioner. If the petitioner is not relieved, he should not be relieved, till the representation is decided.

With the above observations and directions the petition stands disposed of.

Consequently, M.(W.)P.No.2879/2003 and I.A.No.9293/2003 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

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